

Notice of Allowability

Application No.

10/750,518

Examiner

Jared I. Rutz

Applicant(s)

POULTON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/14/2006.
2. ☒ The allowed claim(s) is/are 1-4, 6, 7 and 13-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. Claims 1-4, 6-7, and 13-26, as amended on 9/14/2006, are pending in the instant application. Applicant's arguments submitted 9/14/2006 have been carefully and fully considered, and are persuasive. The previous grounds of rejection presented in the office action of 6/19/2006 have been withdrawn. This application is in condition for allowance.

Response to Arguments

2. Applicant's arguments, see lines 4-8 of page 7, filed 9/14/2006, with respect to the rejection of claims 19-22 under 35 USC 112 second paragraph have been fully considered and are persuasive. The rejection of claims 19-22 has been withdrawn.

3. Applicant's arguments, see lines 21-29 of page 7, filed 9/14/2006, with respect to the rejection of claims 1 and 13 under 35 USC 112 second paragraph have been fully considered and are persuasive. The rejection of claims 1 and 13 has been withdrawn.

4. Applicant's arguments, see lines 4-7 of page 8, filed 9/14/2006, with respect to the rejection of claim 2 under 35 USC 112 second paragraph have been fully considered and are persuasive. The rejection of claim 2 has been withdrawn.

5. Applicant's arguments, see lines 26-31 of page 8 and lines 15-21 of page 9, filed 9/14/2006, with respect to the rejection of claims 1-6, 8-17, and 22 under 35 USC 102(b) have been fully considered and are persuasive. The rejection of claims 1-6, 8-17, and 22 has been withdrawn.

Reasons for Allowance

6. **Claims 1-4, 6-7, and 13-26** are allowed.
7. **Claim 1** has been amended to recite the limitation "*performing a write to the acquisition memory when the data is an n-th data word in a repeating set of n data words*". This limitation is taught by the specification at page 4 line 27 through page 5 line 3, and argued by Applicant at lines 26-31 of page 8 of Applicant's arguments filed 9/14/2006. This limitation, in combination with the other recited limitations of claim 1, is not taught by the prior art of record.
8. **Claims 2-4, 6-7, and 26** are allowed due to their dependence on claim 1.
9. **Claim 13** has been amended to recite the limitation "*the memory controller operable to write to the memory every n-th data word in a stream of data words as a desired data word and additionally to perform a dummy write to memory for each of the other data words in the stream of data words wherein each of the other data words comprises a dummy data word.*" This limitation is taught by the specification at page 4 line 27 through page 5 line 3, and argued by Applicant at lines 15-21 of page 9 of Applicant's arguments filed 9/14/2006. This limitation, in combination with the other recited limitations of claim 13, is not taught by the prior art of record.
10. **Claims 14-18 and 22-25** are allowed due to their dependence on claim 13.
11. **Claim 19** recites the limitation "*the memory controller is responsive to a decimation ratio signal for generating an address signal; a decimator operable in response to the decimation ratio signal to generate output data words comprising, in a given number of clock cycles, a dummy data word and a desired data word*". This

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limitation, supported by the specification at least at page 11 lines 15-30, is not taught or suggested by the prior art of record.

12. **Claims 20-21** are allowed due to their dependence on claim 19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared I. Rutz whose telephone number is (571) 272-5535. The examiner can normally be reached on M-F 8:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

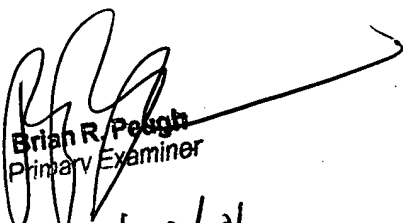
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jared I Rutz
Examiner
Art Unit 2187

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Brian R. Peugh
Primary Examiner
12/19/06